

**Notice of Allowability**

Application No.

10/716,691

Examiner

Daniel A. Hess

Applicant(s)

GIRALDIN ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/28/06 amendment / arguments by Applicant.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/9/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT/ALLOWANCE

This action is responsive to Applicant's arguments and amendments of 3/28/096, which have been entered into the electronic file of record.

#### *Examiner's Amendment*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Bernard Kleinke on 6/8/06.

#### IN THE CLAIMS

In claim 1, line 15, the word 'includes' is replaced with 'including'.

In claim 1, lines 15-17, the phrase "at least two of the locations of the members being widely dispersed throughout the entire facility" is removed.

In claim 7, line 15, the word 'includes' is replaced with 'including'.

In claim 7, lines 15-17, the phrase "at least two of the locations of the members being widely dispersed throughout the entire facility" is removed.

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In claim 13, line 16, the word 'includes' is replaced with 'including'.

In claim 13, lines 16-18, the phrase “, at least two of the locations of the members being widely dispersed throughout the entire facility” is removed.

***Allowable Subject Matter***

Claims 1-18 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach a system or method having all of the elements recited in the independent claims. While the prior art of record is believed to show continuous tracking within an area, it fails to show or fairly suggest, in the context of all other limitations recited in the claims, 'determining at any time locations within the facility of all members of a group; displaying the locations of all members of the group to any of the members of the group, the group including at least two of the plurality of guests'. Beyond the art that was applied in the Instant Case, there is known prior art which teaches continuously tracking individuals throughout an area, in, for example, a mine. But this does not teach all the elements of the instant claims, including displaying the locations of all members of the group to any of the members of the group and determine common traffic patterns and creating reports related to this.

In general, the Examiner notes that while various prior art teaches individual elements of the instant methods, the full set of steps is neither taught nor suggested in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Remarks***

Two noteworthy pieces of prior art, Chuang (US 5,987,421) and Menelly et al. (US 2002/0082897) are worth adding to the record.

Both teach tracking of patrons in amusement parks. Menelly et al. does not have continuous tracking but rather employs discrete tracking at kiosks, and in this sense is much like Howington (of record). This does not serve purposes such as continuous tracking or demonstration of traffic patterns, because the data in Menelly et al. is discrete rather than continuous.

Chuang has continuous tracking *capability* but does not do any of the 'creating reports' or tracking of 'traffic patterns' / data mining that assists the placement of amenities as is claimed.

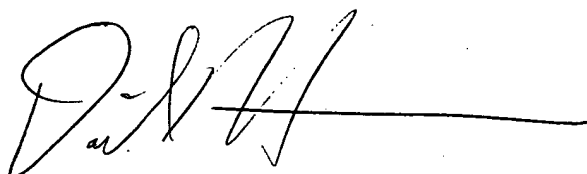
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel A Hess  
Examiner  
Art Unit 2876

6/9/2006



**THIEN M. LE**  
**PRIMARY EXAMINER**